

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION - CINCINNATI**

MICHAEL J. HOWARD,	:	Case No. 1:19-cv-274
	:	
Petitioner,	:	Judge Matthew W. McFarland
	:	
v.	:	
	:	
WARDEN,	:	
Pickaway Correctional Institution,	:	
	:	
Respondent.	:	

**ENTRY AND ORDER ADOPTING SUPPLEMENTAL REPORT AND
RECOMMENDATIONS (Doc. 33) AND REPORT AND RECOMMENDATIONS
(Doc. 16)**

The Court has reviewed the Supplemental Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. 33, "Supplemental Report"), to whom this case is referred pursuant to 28 U.S.C. § 636(b).

As background, Petitioner Howard filed this case pro se, pleading three grounds for relief. (Doc. 3.) Thereafter, Magistrate Judge Merz filed a Report and Recommendations (Doc. 16, "Report") recommending dismissal of all three grounds. Petitioner then retained counsel who filed Objections to the Report (Doc. 31, "Objections"). After preliminarily considering the Objections, the District Court recommitted the case back to Magistrate Judge Merz, pursuant to Fed. R. Civ. P. 72(b)(3), with instructions to file a supplemental report analyzing the Objections and making recommendations based on that analysis. (Doc. 32.) Based on those instructions, Magistrate Judge Merz filed the present Supplemental Report (Doc. 33).

Petitioner then filed Objections to the Supplemental Report. (Doc. 34, “Supplemental Objections.”)

In his Supplemental Report, Magistrate Judge Merz recommends that Petitioner’s Objections be overruled in their entirety, and that this action be dismissed with prejudice. (*Id.*) As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has made a de novo review of the record in this case. Upon said review, the Court finds that Petitioner’s Objections (Doc. 31) and Supplemental Objections (Doc. 34) are not well-taken and are thus **OVERRULED**. Accordingly, the Court hereby **ADOPTS** the Supplemental Report (Doc. 33) in its entirety and rules as follows:

1. Magistrate Judge Merz’s Supplement Report (Doc. 33) is **ADOPTED** in its entirety;
2. Petitioner’s Objections (Doc. 31) and Supplemental Objections (Doc. 34) are **OVERRULED**;
3. Magistrate Judge Merz’s Report (Doc. 16) is **ADOPTED** in its entirety;
4. This action is **DISMISSED** with prejudice;
5. Since reasonable jurists would not disagree with this conclusion, it is **ORDERED** that Petitioner is denied a certificate of appealability;
6. The Court **CERTIFIES** that any appeal would be objectively frivolous, and that Petitioner should not be permitted to proceed *in forma pauperis*; and
7. This matter is closed on the docket of this Court.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

By: 
JUDGE MATTHEW W. McFARLAND